

**REMARKS**

Reconsideration of the subject application in view of the preceding amendments and the following remarks is respectfully requested. Claims 1-10 are pending in this application. Claims 1-3 and 10 have been amended herein and Claims 11- 14 have been added. No new matter has been added by these amendments.

**Claim Objections**

Claims 1-10 were objected to because the second page of the claims included the numeral 11 (after claim 10) with no claim attached thereto. The claims have been amended to remove the numeral 11 following claim 10.

**Rejections Under 35 U.S.C. § 102**

Claims 1-10 were rejected under 35 U.S.C. § 102(b) over Schmitz et al. (U.S. Pat. 5,145,068), Bray (U.S. Pat. 4,869,364), Graetz et al. (4,407,410), or Nikolaus et al (6,199,559 wherein the claimed tray reads on the insert, as shown for example only, in Fig. 4). The rejection is respectfully traversed for at least the following reasons.

Schmitz et al. describes a vacuum formed cassette case with front and rear covers connected by a spine and formed from self-supporting thermoformed tray sheet. The tray sheet extends the height and breadth of the front cover, rear cover, and spine and is covered by a soft plastic cover sheet that is sealed to the edges of the tray sheet. Fold lines are defined between the spine and covers by a pair of vacuum formed channel-form hinges in the tray sheet at the edges of the spine. (Schmitz et al., Abstract) One cover may be provided projecting tabs that extend into recesses in the wall of a cassette receiving pocket provided in the opposite cover. (Schmitz et al., col. 3, lines 17 – 21).

Bray describes a packaging and storing container for magnetic diskettes and documentation having a pair of rigid panels flexibly joined by a spine. A molded plastic tray is attached to each panel which complementarily engages the opposing tray when the container is closed. (Bray, col.1, lines 56 – 62). The container comprises a locking means. (Bray, col. 2 lines 24 - 26).

Graetz et al. describes an album for holding cassettes having a cover with front and rear flaps connected by a flexible spine with complementary interfitting trays on the inner faces of the flaps. The trays cover is a single sheet of plastics material bonded on the edges to the tray sheet. (Graetz et al., Abstract). The tray portion has a stepped upstanding hollow peripheral wall surrounding a flat bottom. The outer face of the peripheral wall has projecting nibs above the rim. The other tray also has an upstanding peripheral wall surrounding a flat depressed bottom with depressed dimple recesses to receive the nibs when the trays are closed. (Graetz et al., col. 3, line 61, through col. 4, line 39).

Nikolaus et al. discloses a container for storing makeup. The container has a cover and a base each including an interface. The base holds cosmetics. The container includes a hermetic seal provided by a channel in the first interface and a peripheral rim in the second interface when the cover is closed to the base. The container also has a discharge for reducing air pressure. (Nikolaus et al., Abstract).

In contrast to the cited references, amended Claim 1 is directed to, *inter alia*, a container that includes complementary panels foldably joined along a hinge member, at least one tray adapted for receiving at least one item, attached to a respective one of said complementary panels. The container also includes a locking mechanism for selectively retaining said complementary panels in face-to-face relationship with one another. Further, at least one surface

of the complementary panels is coated with a barrier material to provide a substrate that blocks the migration of odors or aromas from the container contents to the exterior.

In contrast to the cited references, amended Claim 2 is directed to, *inter alia*, a container that includes complementary panels foldably joined along a hinge member and complementary trays attached to the complementary panels disposed for alignment with one another when the complementary panels are folded into face-to-face relationship with one another. At least one of the complementary trays is adapted for receiving at least one object. The container also includes a locking mechanism for selectively retaining said complementary trays in face-to face relationship with one another. Further, at least one surface of the complementary panels is coated with a barrier material to provide a substrate that blocks the migration of odors or aromas from the container contents to the exterior.

It is respectfully submitted that the cited references do not teach, suggest or disclose a container with at least one surface coated with a barrier material to provide a substrate that blocks the migration of odors or aromas from the container contents to the exterior as recited in amended Claims 1 and 2. Support for these amendments may be found in the specification at paragraph 7.

Schmitz et al., Bray, and Graetz et al. describe containers, albums or cases but do not teach, suggest or disclose sealing in relation to the respective inventions. Nikolaus et al. describe a container that provides a hermetic seal by providing a channel within the first interface of the cover and a peripheral rim in the second interface of the base. Nikolaus et al. is completely without any type of surface coating by a barrier material to provide a substrate that blocks the migration of odors or aromas from the package contents to the exterior. It would not have been obvious from the cited references to coat the surface with a barrier material to provide a substrate that blocks the migration of odors or aromas from the package contents to the

exterior. It is therefore respectfully submitted that none of the cited references, alone or in combination, teach, suggest or disclose each and every element recited in Claims 1 and 2, as presently amended.

Since the cited references do not teach, suggest, or disclose each and every element of amended Claims 1 and 2, it is respectfully submitted that Schmitz et al., Bray, Graetz et al., and Nikolaus et al. do not anticipate Claims 1 and 2, as presently amended. Claims 3 - 10 depend from amended Claims 1 and 2 and thus include all of the elements of Claims 1 and 2, as presently amended. Therefore, it is respectfully submitted that Schmitz et al., Bray, Graetz et al., and Nikolaus et al. do not anticipate claims 3 - 10. For the forgoing reasons, withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

#### **CONCLUSION**

It is respectfully submitted that none of the prior art of record, alone or in combination, teaches discloses or suggests the invention as presently claimed. Based upon the foregoing favorable consideration of Claims 1 – 14 is respectfully requested. If it is believed that an interview would advance prosecution, the Examiner is invited to call Applicant's representative at the number below.

It is respectfully submitted that this response is timely filed, together with the included request for a three-month extension of time and accompanying fee. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 69887(52888).

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Respectfully submitted,

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